

Claim Rejection Under 35 USC § 102

Claims 1-4 stand rejected by the Examiner as being anticipated by *Swenson et al*, U.S. 6,726,649. Applicants point out that the claims have now been amended to state that the prongs are substantially less than 180 degrees apart, which distances the claims from *Swenson et al*. Further, applicant points out that the *Swenson et al* device is not a tube as required by the claims. (This fact is recognized by the Examiner in her rejection.) Note also that the *Swenson et al* needle is a vaccination needle, and not a hypodermic needle having a hollow bore through which medication is delivered. In view of these remarks, the rejection under 35 U.S.C. § 102 over *Swenson et al* should be withdrawn.

Claims 1-4 and 8 stand rejected as being anticipated by *Feaster*, U.S. 5,254,106. Attention is brought to the fact that as suggested by the Examiner, the claims have been amended to state that the "prongs are spaced substantially less than 180 degrees along the circumference". This added limitation clearly avoids *Feaster et al* and the rejection thereover should be withdrawn.

CONCLUSION

The prior art cited by the Examiner is noted.

Applicant has accepted the Examiner's suggestion and amended the claims and specification to recite the relative location of the points.

It appears that all matters have been satisfactorily addressed, and that the case is now in condition for allowance; and the same is respectfully requested.

Serial No. 10/685,310
Docket No. 03273-PA-DIV

If the Examiner has any further suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for allowance, she is respectfully requested to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue.

Respectfully submitted,

April 11, 2005
Date

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
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SR/jjr (04/11/05)

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